

The employing establishment submitted serial audiograms. The Office referred him to Dr. Dwayne H. Atwell, an otolaryngologist, for an evaluation of his hearing.

On July 22, 2004 Dr. Atwell examined appellant and obtained an audiogram, the results of which he determined were valid and representative of appellant's hearing sensitivity. He found that appellant had moderate to near-profound neurosensory hearing loss due to noise exposure in his federal employment. He recommended hearing aids.

On August 17, 2004 an Office medical adviser reviewed the July 22, 2004 audiogram, as it was the most recent audiogram of record, found that it met Office standards and was an integral part of Dr. Atwell's evaluation. From this audiogram the Office medical adviser determined that appellant had a 38 percent binaural hearing loss.

The Office accepted appellant's claim for binaural hearing loss and authorized hearing aids. Appellant filed a claim for a schedule award.

On November 19, 2004 the Office issued a schedule award for a 38 percent binaural hearing loss. Appellant filed an appeal to the Board.

LEGAL PRECEDENT

Section 8107 of the Federal Employees' Compensation Act¹ authorizes the payment of schedule awards for the loss or loss of use of specified members, organs or functions of the body. Such loss or loss of use is known as permanent impairment. The Office evaluates the degree of permanent impairment according to the standards set forth in the specified edition of the American Medical Association, *Guides to the Evaluation of Permanent Impairment*.² Using the frequencies of 500, 1,000, 2,000 and 3,000 cycles per second, the losses at each frequency are added up and averaged. Then, a "fence" of 25 decibels is deducted because, as the A.M.A., *Guides* points out, losses below 25 decibels result in no impairment in the ability to hear everyday sounds under everyday conditions. The remaining amount is multiplied by a factor of 1.5 to arrive at the percentage of monaural hearing loss. The binaural loss is determined by calculating the loss in each ear using the formula for monaural loss; the lesser loss is multiplied by five, then added to the greater loss and the total is divided by six to arrive at the amount of the binaural hearing loss.³ The Board has concurred in the Office's adoption of this standard for evaluating hearing loss.⁴

¹ 5 U.S.C. § 8107.

² 20 C.F.R. § 10.404 (1999). Effective February 1, 2001 the Office began using the A.M.A., *Guides* (5th ed. 2001). FECA Bulletin No. 01-05 (issued January 29, 2001).

³ A.M.A., *Guides* at 250 (5th ed. 2001).

⁴ *Donald E. Stockstad*, 53 ECAB 301 (2002), *petition for recon. granted (modifying prior decision)*, Docket No. 01-1570 (issued August 13, 2002).

ANALYSIS

The audiogram obtained by Dr. Atwell on July 26, 2004 revealed that hearing thresholds in appellant's left ear at 500, 1,000, 2,000 and 3,000 cycles per second were 50, 60, 80 and 85 decibels respectively, for a total of 275 and an average of 68.75. Subtracting the fence of 25 decibels (the threshold of impairment) and multiplying by 1.5 gives a loss of 65.625 percent in the left ear.

Hearing thresholds in appellant's right ear at those same frequencies were 50, 35, 25 and 75 decibels respectively, for a total of 185 and an average of 46.25. Subtracting the fence of 25 decibels and multiplying by 1.5 gives a loss of 31.875 percent in the right ear.

Multiplying the lesser loss (31.875) by five, then adding the greater loss (65.625), then dividing the sum by six yields a binaural hearing loss of 38 percent, which the Office determined.

Section 8107 of the Act sets forth how many weeks of compensation are payable to an employee who sustains a permanent impairment of hearing.⁵ For a complete loss of hearing in one ear, an employee may receive 52 weeks' compensation. For a complete loss of hearing in both ears, he may receive 200 weeks' compensation. Partial losses are compensated proportionally.⁶ A 38 percent binaural loss of hearing is therefore 38 percent of 200 weeks, or 76 weeks of compensation, which the Office awarded.

The Board finds that the Office properly applied standardized procedures to appellant's most recent audiogram and properly issued a schedule award for a 38 percent binaural hearing loss.⁷ The Board will affirm the Office's November 19, 2004 decision.

CONCLUSION

Appellant has a 38 percent binaural loss of hearing, for which the Office issued an appropriate schedule award.⁸

⁵ 5 U.S.C. § 8107(13).

⁶ *Id.* at § 8107(19).

⁷ An employment audiogram obtained on April 7, 2003 showed less of a hearing loss.

⁸ For information on how much can be approved for hearing aids, appellant should refer to the Office's August 24, 2004 letter accepting his claim. An attachment to that letter, titled "Now That Your Claim Has Been Accepted," contains contact information and provides general information on submitting medical bills for his accepted condition and obtaining reimbursement for authorized medical expenses.

ORDER

IT IS HEREBY ORDERED THAT the November 19, 2004 decision of the Office of Workers' Compensation Programs is affirmed.

Issued: May 13, 2005
Washington, DC

Alec J. Koromilas
Chairman

Michael E. Groom
Alternate Member

A. Peter Kanjorski
Alternate Member